

COMP

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TRUology, a Nevada limited liability company.

CASE NO.:

Plaintiff,

vs.

COMPLAINT

BRIAN STANKO, an individual.

JURY TRIAL REQUESTED

Defendant.

COMES NOW, Plaintiff, TRUology LLC. (hereinafter “TRUOLOGY”), a Nevada limited liability company, by and through its attorney, ERICK M. FERRAN, ESQ., of the law firm of HITZKE & FERRAN LLP., and complains against the Defendant, as follows:

JURISDICTION AND VENUE

1. Jurisdiction is based upon 28 U.S.C. §§ 1332. Plaintiff invokes the supplement/pendent jurisdiction of this Court over the state law claims pleaded below. Venue lies in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

2. Plaintiff TRUOLOGY is, and at all times relevant to this complaint was, a Nevada limited liability company, in good standing with the Nevada Secretary of State.

3. Defendant BRIAN STANKO (hereinafter “STANKO”) is, and at all times relevant to this Complaint was, a citizen of the United States and a resident of the State of California.

4. The principal owner of TRUOLOGY is Brianna Stanko (hereinafter “Brianna”) owning one hundred percent of the Company.

GENERAL ALLEGATIONS

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2 1. On February 26, 2024, Stanko posted a video through Instagram stated, “So, I have
3 a problem, umm like I’ve, I’ve been dealing with this for like a long time, a long time, um and ya
4 know, if your gunna have, if you gunna do a podcast, if you’re gunna write a book, if you wanna
5 help other people, you gotta, you gotta just like, let it all out sometimes, ya know, so, it’s
6 embarrassing for me to talk about this problem, but like, I’ve, like, I’ve always had, I’ve always
7 had like a chapped asshole, like my asshole is fucking chapped as fuck, ya know, I hate my fuckin
8 chapped asshole. So, I found this product, a great fucken product, Trueology C-boost, um, it can
9 be bought on skintruth.com, use coupon code Brianna20 for 20% off and it will help unchap your
10 ass, mwah.” A true and correct copy of a picture of said post is attached hereto and incorporated
11 herein as Exhibit “1.” A true and correct transcript of said video is attached hereto and incorporated
12 herein as Exhibit “2.”

13 2. On February 26, 2024, Stanko posted a video through Instagram stating, “So
14 literally, I swear to fuckin god, after only a couple of minutes, after a couple minutes of using this
15 product, after only a couple minutes of using this product, like my asshole feels so much better,
16 ok. It does! And what’s, why I really, really love this product there are, there are some, I don’t
17 know what is exactly put in here, the ingredients and like this and that, BUT, I’ve also learned, ya
18 know, when, when you have a chapped asshole, and all this kinda stuff, you’re using, you’re using
19 the toilet a lot, but I’ve also learned that there is like one of the best reasons for this product, is to
20 help...clean toilets!” A true and correct copy of a picture of said post is attached hereto and
21 incorporated herein as Exhibit “3.” A true and correct transcript of said video is attached hereto
22 and incorporated herein as Exhibit “4.”

23 3. On February 26, 2024, Stanko posted a video through Instagram stating, “Never in
24 my life, never in my life have I found a product that can make me look and feel good, that can
25 correct my chapped asshole problem, and that can also clean my toilet, so I, like, this is what I was
26 talking about before, ya know, about being like, ya know, about standing behind product and the
27 service that you truly believe in. So, from the bottom of my heart, the bottom of my heart, I just
28 want to say that product, this site, I stand behind, 1,000,000%, alright, signed, dotted, the lord of

1 beauty, check out the site for yourself, you will not regret it, like, just check it out, it's a beautiful,
2 beautiful site." A true and correct transcript of said video is attached hereto and incorporated herein
3 as Exhibit "5."

4 4. On February 26, 2024, Stanko posted a video through Instagram stating, "So, as I
5 said, I am allowed to promote any website that I want too. Ok, um, so, upon doing so, I still want
6 to stand behind Skintruth, okay. Cause I went to lovelyskin.com, just so you guys know, alright.
7 And they don't carry the brand Truology and that's the, that's the one product that that I really,
8 really was standing behind and wanting to promote and to spread goodness and knowledge and
9 like just tryna help other people, alright, so you can't get that brand on lovelyskin.com even though
10 lovelyskin.com is like the #1 website when it comes to medical grade skincare, um, the only
11 website that you can get Truology is truologyskin.com or skintruth.com." A true and correct
12 transcript of said video is attached hereto and incorporated herein as Exhibit "6."

13 5. On February 26, 2024, Stanko posted a video through Instagram stating, "So, I
14 know that 95% of my following is women, umm, so that leaves 5% to men, and ya know, most
15 men don't really care about skin care toiletesque cleaning products, um but hat I can tell you, what
16 I've just recently discovered, alright, great, great product for jerking off. Great fuckin smooth
17 lotion, amazing results, amazing, amazing results. Um, skintruth.com, coupon code, Brianna20.
18 And enjoy your happy ending." A true and correct transcript of said video is attached hereto and
19 incorporated herein as Exhibit "7."

20 6. On February 28, 2024, Stanko posted a video through Instagram stating, "Ok so, as
21 I'm here in Alpharetta, Georgia, or Newport beach, California, ummm, I just wanted to let you
22 know that I found this other awesome website, Truology, but it's actually truologyskin.com. The
23 coupon code that works on this website, is true, T-R-U-E-20, for 20% off, so instead of speaking
24 122 dollars, I'm gonna spend 105 and 63 cents. To be honest, the website is a little cumbersome,
25 umm, it's a little cumbersome in order to try to get to this point, to make your purchase. In my
26 opinion, it's a little, a little cumbersome. Um, and I have no... Thank you, my name is Brian, Lord
27 Brian. Umm, so, I have no idea, I used my credit card, I used my billing information, I used my
28 shipping information and everything, I don't know, I don't know why you're calling me Patricia,

1 which is my mother's name." A true and correct copy of a picture of said post is attached hereto
 2 and incorporated herein as Exhibit "8." A true and correct transcript of said video is attached hereto
 3 and incorporated herein as Exhibit "9."

4 7. On February 28, 2024, Stanko posted a video on Instagram, stating, "Alright, so, I
 5 can't show my email, because there's certain things I have to omit, but you can either trust me or
 6 not trust me, but my email goes, "Hello Lord Tammy, I did not cancel my order, please show me
 7 documentation of me canceling order #170, I'm also adding my lawyers to the chain. And even if
 8 you do have documentation of me canceling my order, please note that I'm wanting and willing to
 9 place another order so I can receive the product that I as an American have been wanting to
 10 purchase for the most beautiful woman in the world. One more question, and be very smart on
 11 how you answer this one, are you employed/represented by Skintruth, and/or Truology, because
 12 we find it very interesting that I am emailing and communicating with a skintruth.com
 13 representative, when I'm purchasing directly from Truologyskin.com, and having a hard time
 14 doing so there too." A true and correct copy of a picture of said post is attached hereto and
 15 incorporated herein as Exhibit "10." A true and correct transcript of said video is attached hereto
 16 and incorporated herein as Exhibit "11."

17 8. On or about February 28, 2024, Brianna has received messages from her
 18 followers/customers saying they will not support Truology because of Truology's association with
 19 Stanko, and his comments, statements and social media posts.

20 **FIRST CAUSE OF ACTION**

21 **Defamation/Defamation Per Se/Business Disparagement/Slander**

22 9. Plaintiff repeats and realleges each and every preceding paragraphs as though fully
 23 set forth herein.

24 10. That Defendant STANKO made and posted false statements of fact described in
 25 Paragraphs 1-7 of this Complaint via the social media platform Instagram.

26 11. That the aforementioned statements are all false statements of fact;

27 12. That all of the above statements were and are unprivileged;

1 13. That all of the above statements were made recklessly and maliciously to third
2 parties;

3 14. The statements listed above caused damages to Plaintiff, including but not limited
4 to injury of its reputation, loss of income and goodwill in its business ventures, and reduction in
5 the value of business. Said damages are permanent in nature.

6 15. As the above statements were uttered and posted recklessly and/or maliciously with
7 the intent to harm Plaintiff, its reputation, loss of income and goodwill in its business ventures,
8 and reduction in the value of the business, Plaintiff is entitled to punitive damages from Defendant
9 STANKO to deter such future conduct.

10 16. Plaintiff has had to incur attorney's fees and costs as a result of Defendant
11 STANKO's actions and therefore is also entitled to reasonable attorney's fees and costs.

12 **SECOND CAUSE OF ACTION**

13 **False Light**

14 17. Plaintiff repeats and realleges each and every preceding paragraphs as though fully
15 set forth herein.

16 18. That Defendant STANKO made false statements of fact described in Paragraphs
17 1-7 of this Complaint.

18 19. The aforementioned statements, comments, and posts have been made and
19 published via the social media platform Instagram to third parties placing Plaintiff in a false light
20 amongst its customers and/or potential customers.

21 20. That the nature of said statements, comments, and posts concerning Plaintiff is
22 highly offensive to any reasonable person.

23 21. That the statements, comments, and posts were made to third parties, many of
24 whom were potential customers and/or potential business contacts with Plaintiff and have
25 unreasonably placed Plaintiff in a false light before the public.

26 22. As the above statements were uttered and posted recklessly and/or maliciously with
27 the intent to harm Plaintiff, its reputation, its employment prospects, and its business ventures,
28 Plaintiff is entitled to punitive damages from Defendant STANKO to deter such future conduct.

23. Plaintiff has had to incur attorney's fees and costs as a result of Defendant STANKO's actions and therefore is also entitled to reasonable attorney's fees and costs.

THIRD CAUSE OF ACTION

Tortious Interference with Existing and Prospective Economic Advantage

24. Plaintiff repeats and realleges each and every preceding paragraphs as though fully set forth herein.

25. Defendant STANKO knew and/or had reason to know that Plaintiff has certain business contacts and/or ventures pending with numerous individuals, and that Plaintiff was a successful e-commerce business with numerous pending business ventures and/or contractual and business relations with numerous individuals.

26. That Defendant STANKO made and posted the false statements of fact described in Paragraphs 1-8 of this Complaint via the social media platform Instagram.

27. Defendant STANKO actively, knowingly, and intentionally encouraged and endorsed the dissemination of slanderous and defamatory statements about Plaintiff, by themselves and third parties, thereby intentionally, knowingly, and improperly interfering with these prospective contractual relationships.

28. That the above improper actions of Defendant STANKO caused Plaintiff's prospective contractual/business relationships to fail to materialize. Further, that the aforementioned statements damaged Plaintiff's business ventures and their goodwill.

29. The statements listed above caused damages to Plaintiff, including but not limited to injury of its reputation, loss of income and goodwill in its business ventures, pain, and suffering. Said damages are permanent in nature.

30. Plaintiff has had to incur attorney's fees and costs as a result of Defendant STANKO's actions and therefore is also entitled to reasonable attorney's fees and costs.

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FOURTH CAUSE OF ACTION

Preliminary Injunction / TRO

31. Plaintiff repeats and realleges each and every preceding paragraph as though fully set forth herein.

32. That Plaintiff is entitled to an order from this Court ordering Defendant STANKO to immediately cease and desist any false and/or defamatory comments and/or social media posts about Plaintiff's character and/or business practices.

33. That based upon the cumulation of facts herein alleged by this complaint, Plaintiff will suffer further irreparable injury if immediate action is not taken by the Court.

WHEREFORE, Plaintiff prays for the following relief against Defendants:

1. An award of compensatory damages against the Defendants that will justly compensate Plaintiff for its losses, including but not limited to: emotional distress, loss of employment opportunities, loss of business contacts and goodwill, loss of future earning capacity, injury to reputation, humiliation, and embarrassment.
2. An award of punitive damages against the Defendant for the willful, wanton, and reckless acts committed against Plaintiff.
3. An award of Plaintiff's reasonable attorneys' fees and costs incurred in this action.
4. Pre and post judgement interest.
5. An immediate Injunction of Restraining Order against the Defendant's; and
6. Such other relief as the Court deems just and appropriate.

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JURY DEMAND

The Plaintiff respectfully requests that this matter be tried before a jury of competent persons.

DATED this 5TH day of March 2024.

HITZKE & FERRAN LLP.

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